

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

United States of America,  
Plaintiff,

v.

Davion Darrel Mitchell,

Defendant.

Case: 2:23-cr-20590  
Assigned To : Edmunds, Nancy G.  
Referral Judge: Altman, Kimberly G.  
Assign. Date : 10/19/2023  
Description: SEALED MATTER (SS)

Violation:  
18 U.S.C. § 922(g)(1)

**INDICTMENT**

THE GRAND JURY CHARGES:

**COUNT ONE**  
18 U.S.C. § 922(g)(1)  
*Felon in Possession of a Firearm*

On or about February 9, 2023, in the Eastern District of Michigan, Southern Division, the defendant, Davion Mitchell, knowing that he had been convicted of a crime punishable by imprisonment for a term exceeding one year, knowingly possessed, in and affecting interstate commerce, a Glock 19, 9mm pistol, in violation of Title 18, United States Code, Section 922(g)(1).

**FORFEITURE ALLEGATION**

18 U.S.C. § 924(d) and 28 U.S.C. § 2461  
*Criminal Forfeiture*

The allegation contained in Count One of this Indictment is hereby re-alleged and incorporated by reference for the purpose of alleging forfeiture pursuant to Title 18 United States Code Section 924(d) together with Title 28, United States Code, Section 2461.

Upon conviction of the offense charged in Count One of this Indictment, Defendant Davion Mitchell shall forfeit to the United States, pursuant to Title 18, United States Code, Section 924(d) together with Title 28, United States Code, Section 2461, any firearm or ammunition involved in or used in defendant's knowing violation of said offense, including but not limited to the following:

- One Glock 19, 9mm pistol;
- Numerous rounds of assorted 9mm ammunition;
- A round of .357 caliber ammunition; and
- A round of 7.62 ammunition.

If any of the property described above, as a result of any act or omission of the defendant:

- a) cannot be located upon the exercise of due diligence;
- b) has been transferred or sold to, or deposited with, a third party;
- c) has been placed beyond the jurisdiction of the court;
- d) has been substantially diminished in value; or

e) has been commingled with other property which cannot be divided without difficulty,  
the United States of America shall be entitled to forfeiture of substitute property pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2461(c).

THIS IS A TRUE BILL.

s/Grand Jury Foreperson  
Grand Jury Foreperson

DAWN N. ISON  
United States Attorney

s/Craig F. Wininger  
Craig F. Wininger  
Chief, Violent & Organized Crime Unit  
Assistant United States Attorney

s/Jeremiah G. Smith  
Jeremiah G. Smith  
Assistant United States Attorney

Dated: October 19, 2023

United States District Court Eastern District of Michigan	Criminal Case Cover Sheet	Case Number:
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NOTE: It is the responsibility of the Assistant U.S. Attorney signing this form to complete it accurately in all respects.

Companion Case Information	Companion Case Number:
This may be a companion case based on LCrR 57.10(b)(4) <sup>1</sup> :	
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	AUSA's Initials: J.S.

**Case Title:** USA v. Davion Mitchell

**County where offense occurred:** Wayne

**Offense Type:** Felony

Indictment – no prior complaint.

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### Superseding Case Information

Superseding to Case No: \_\_\_\_\_ Judge: \_\_\_\_\_

Reason:

Defendant Name

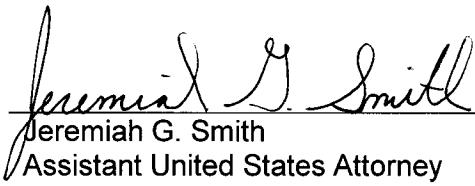
Charges

Prior Complaint (if applicable)

**Please take notice that the below listed Assistant United States Attorney is the attorney of record for the above captioned case**

October 19, 2023

Date



Jeremiah G. Smith

Assistant United States Attorney

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Detroit, MI 48226

Jeremiah.Smith@usdoj.gov

(313) 226-0242

Bar #: P80301

<sup>1</sup> Companion cases are matters in which it appears that (1) substantially similar evidence will be offered at trial, or (2) the same or related parties are present, and the cases arise out of the same transaction or occurrence. Cases may be companion cases even though one of them may have already been terminated.